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12 Attorneys for Defendant and  
Counterclaimant STEVEN SPIELBERG

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 JACK SOLOMON, an individual,  
16 Plaintiff,  
17 vs.

18 ROBERT S. MUELLER, III, in his official  
19 capacity as DIRECTOR, FEDERAL BUREAU  
OF INVESTIGATION, J. Edgar Hoover  
20 Building, 935 Pennsylvania Avenue, NW,  
Washington, DC 20535, STEVEN  
21 SPIELBERG, an individual,

22 Defendants.

23 STEVEN SPIELBERG, an individual,  
24 Counterclaimant,

25 vs.

26 JACK SOLOMON, an individual; and JUDY  
GOFFMAN CUTLER, an individual,

27 Counterdefendants.  
28

Case No.: 207-cv-00645-RLH-PAL  
**INTERPLEADER  
COUNTERCLAIM**

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1 Defendant and counterclaimant Steven Spielberg ("Spielberg") alleges as his  
2 counterclaim ("counterclaim") as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction over this Counterclaim under 28 U.S.C. §§  
5 1332 and 1335, as complete diversity exists between Spielberg, on the one hand, and  
6 counterdefendants, and each of them, on the other hand, and the amount in  
7 controversy exceeds the sum or value of \$75,000.00.

8 2. Spielberg is an individual citizen and resident of the State of California  
9 and presently is in custody or possession of a work of fine art believed to be created  
10 by the late Norman Rockwell entitled "*The Russian Schoolroom*" (the "Painting").

11 3. Counterdefendant Jack Solomon ("Solomon") is an individual citizen and  
12 resident of the State of Nevada.

13 4. Counterdefendant Judy Goffman Cutler ("Cutler") is an individual citizen  
14 and resident of the State of Rhode Island.

15 5. Venue in this District is proper under 28 U.S.C. §§ 1391(b) and 1397 in  
16 that Solomon resides in Clark County, Nevada.

17 **SOLE CLAIM FOR RELIEF**

18 **(Interpleader)**

19 6. In or about September 1989, Cutler sold the Painting to Spielberg.

20 7. In or about February 2007, Spielberg learned that the Painting had  
21 allegedly been stolen on or about June 24, 1973. Spielberg promptly and voluntarily  
22 contacted the Federal Bureau of Investigation ("FBI") to report he had possession of  
23 what he believed to be the Painting.

24 8. Thereafter, Spielberg became aware of competing claims to the title of  
25 the Painting based on differing versions of facts dating back over 30 years. The FBI  
26 instructed Spielberg to retain possession of the Painting.

27 9. In or about May 2007, Spielberg and Cutler entered into a written  
28 agreement regarding the Painting whereby Spielberg transferred any rights he may

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1 have had in the Painting to Cutler in exchange for his being provided by Cutler proper  
2 title and ownership of another Norman Rockwell work of fine art. Spielberg  
3 continued to retain possession of the Painting in accordance with prior FBI  
4 instructions.

5 10. On or about May 16, 2007, Solomon filed this action against the FBI and  
6 Spielberg, but not against Cutler.

7 11. On or about May 15, 2007, Cutler filed an action against Solomon and  
8 The Art Loss Register in the United States District Court for the Southern District of  
9 New York, Case No. 1:07-cv-03807-LAP.

10 12. Solomon and Cutler both claim some entitlement, right, title, possession,  
11 custody or ownership of the Painting. Such claims are adverse to and independent of  
12 one another.

13 13. Spielberg makes no present claim of ownership to the Painting.

14 14. Spielberg is or may be exposed to multiple liability or claims due to the  
15 conflicting claims of Solomon and Cutler. Spielberg is unable to determine the  
16 validity of the claims asserted to the Painting.

17 15. Subject to the approval of the Court, Spielberg shall deposit the Painting  
18 with the registry of the Court or make some other disposition of the Painting as may  
19 be ordered by the Court.

20 WHEREFORE, counterclaimant Steven Spielberg prays for judgment as  
21 follows:

22 1. That the counterdefendants be ordered to interplead and litigate their  
23 respective claims and rights to the Painting;

24 2. That counterclaimant be discharged from any liability to  
25 counterdefendants with respect to the Painting;

26 3. That counterdefendants be enjoined from prosecuting any and all claims  
27 against counterclaimant with respect to the Painting;

28 4. For reasonable attorneys' fees and costs incurred herein to be paid by

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1 counterdefendants and/or imposed as an equitable lien against the Painting; and  
2 5. For such other and further relief as the Court deems just and proper.  
3

4 DATED: July 16, 2007.

5 Respectfully submitted,

6 GOOLD, PATTERSON ALES & DAY

7 BARNEY C. ALES  
8 THOMAS RONDEAU

9 GREENWALD, PAULY, FOSTER & MILLER,  
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